

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
Case No. 1:06CV00127**

**ELAINE L. CHAO, Secretary of Labor,)
United States Department of Labor,)**

Plaintiff,)

v.)

ORDER

**TRIANGLE LABORATORIES, INC.,)
TRIANGLE LABORATORIES, INC.)
RETIREMENT FUND, J. RONALD)
HASS, DONALD J. HARVAN,)
JOSEPH MORALES, DEBBIE)
MONAGHAN, and CRAIG STOKES,)**

Defendants.)

THIS MATTER is before the Court on Defendant Harvan's Motion, pursuant to Rule 37(a) of the Federal Rules of Civil Procedure and LR 7.3, to compel Defendant Joseph Morales to answer and respond to Harvan's Interrogatories and Request for Production.

After consideration of Defendant Harvan's Motion, his Brief in Support of the Motion, and the official court file, the Court determines that Defendant Harvan served Defendant Morales with Interrogatories and a Request for Production on April 23, 2007, that Defendant Morales never answered or responded to the discovery, that Defendant Harvan made a good faith effort to obtain the discovery without court action, and therefore, the Motion to Compel will be granted.

IT IS THEREFORE ORDERED that Defendant Harvan's Motion to Compel (Pleading No. 30) is **GRANTED**. Defendant Morales shall answer and respond to Defendant Harvan's Interrogatories and Request for Production within five (5) days following service of this Order.

Pursuant to Rule 37(a)(4) Defendant Morales shall pay Defendant Harvan \$510.00 for the reasonable attorney's fees that Harvan incurred in filing this Motion.

/s/ P. Trevor Sharp
United States Magistrate Judge

Date: November 1, 2007